

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

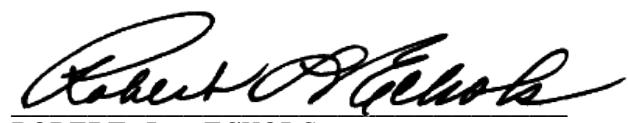
JOHN C. MONTGOMERY)
)
Plaintiff,)
)
v.) Case No. 3:05-0463
) Judge Echols
CSX TRANSPORTATION, INC.,)
)
Defendant.)

ORDER

For the reasons stated in the Memorandum entered contemporaneously herewith, Defendant CSX Transportation, Inc.'s Motion to Dismiss (Docket Entry No. 6) is DENIED.

This case is returned to the Magistrate Judge for further proceedings under Local Rule 11 and to ensure this case is ready for the trial which is scheduled for **Tuesday, September 19, 2006**, and the Final Pretrial Conference scheduled for **Monday, August 28, 2006, at 2:30 p.m.**

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE